

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Carrier Current Systems, including Broadband over)	ET Docket No. 03-104
Power Line Systems)	
)	
Amendment of Part 15 regarding new requirements)	
and measurement guidelines for Access Broadband)	
over Power Line Systems)	ET Docket No. 04-37

**Comments of
Aeronautical Radio, Inc.**

Aeronautical Radio, Inc. (“ARINC”), pursuant to Section 1.429 of the Commission’s Rules, 47 C.F.R. § 1.429, respectfully submits these comments on the petitions for reconsideration filed in this proceeding by the United Power Line Council (“UPLC”), Amperion, Inc., and Current Technologies, LLC, seeking changes in the rules adopted in the Commission’s *Report & Order*, FCC- 04-245, released October 28, 2004 (“*Report & Order*”).

Regardless of the disposition of the requests by UPLC, Amperion and Current Technologies seeking elimination of the requirement that information about proposed deployments of broadband over power line (“BPL”) systems be made available in a publicly accessible database thirty days in advance, the Commission should retain the requirement in Section 15.615(f)(3) of the Rules that aeronautical ground station licensees, such as ARINC, be given thirty days advance notice of such proposed deployments within four kilometers of designated critical sites such as ARINC’s high frequency receive locations. The arguments raised by the petitioners as to the potential anti-competitive effects of advance public notice simply do not apply in the case of

advance notice needed in order to facilitate consultation between BPL providers and licensees of safety services such as those in the high frequency aeronautical mobile (R) service. ARINC stands ready to work with the BPL community in an effort to minimize the adverse effect of radio noise from BPL deployments on sensitive HF receive sites and to do so in a spirit of cooperation that does not unduly delay the deployment of BPL technology. To that end, the Commission should also clarify that the advance notice requirements for public safety do not apply to changes in BPL systems needed to resolve harmful interference. In the event of such changes, however, BPL providers should be required to notify public safety licensees, including ARINC, within forty-eight hours of making the changes.

Requested changes in the transition period should be rejected. The *Report and Order* provided eighteen months from the date the new rules were published in the *Federal Register* by which BPL equipment that is manufactured, imported, or installed must be certified. The rules were published on January 7, 2005.¹ The *Report and Order* was released on October 28, 2004. Effectively, the BPL industry will have had over twenty months to plan and execute the transition to certified equipment. The petitions set forth no compelling showing that such a transition period is unreasonable. Instead, the petitions assert that the Commission should have adopted one cut-off for the manufacturing and importation of equipment and another for the installation of such equipment. The fact that the Commission afforded the BPL industry the flexibility to implement the transition within one extended window offers no rationale for extending the transition period. If anything, having one date provides an incentive to get equipment

¹ 70 Fed Reg 1360 (Jan. 7, 2005).

certified and to transition to the installation of approved equipment as soon as existing inventories can be depleted. Because BPL is still in a relatively nascent state, it is highly unlikely that the industry faces a surplus of unapproved equipment that would be rendered unmarketable in the United States by virtue of the current regulations.

Moreover, the transition period itself is hardly unreasonable on its face or unprecedented. In the recent past, for example, the Commission required radar detectors to come into compliance with emissions limits within not more than ninety days after publication of the new requirements in the *Federal Register*.² Current Technologies attempts to distinguish the radar detector case from BPL by asserting the consumer product nature of radar detectors and their history of being linked to interference to VSAT satellite reception.³ In the case of BPL, however, the record shows significant potential for interference to HF communications and the principal new requirement for certification mandates the incorporation of interference mitigation techniques into BPL devices. Because of the contentious record as to the potential of BPL devices to interfere with licensed services, the transition to equipment that may prove to be more capable of being operated so as to mitigate interference should be encouraged rather than being watered down.⁴

² Review of Part 15 and Other Rules, 27 CR 227, 17 FCC Rcd 14063, 2002 FCC LEXIS 3550 (rel. July 19, 2005) (sixty days); 17 FCC Rcd 17003, 2002 FCC LEXIS 4260 (extending transition period thirty days by limited waiver).

³ Current Technologies, LLC, Petition for Reconsideration at 10 (Feb. 7, 2005).

⁴ As noted in ARINC's Petition for Reconsideration in this proceeding, the use of aeronautical mobile(R) frequencies for in-house and low voltage overhead lines should also be prohibited because of the demonstrated potential for harmful interference that such use raises. ARINC Petition at 4-5.

In sum, upon reconsideration, the Commission should emphasize that any change in the requirement to record the implementation of BPL in a publicly accessible database thirty days in advance of deployment does not undercut the requirements to provide ARINC and other safety service licensees with thirty days advance notice. The Commission should reject proposals to extend the transition date. As now written the transition provisions afford the BPL industry over twenty months within which to begin installing certified equipment. There has been no showing that this period of time is inadequate.

Respectfully submitted,

AERONAUTICAL RADIO, INC.

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Certificate of Service

The undersigned certifies that she has this 23rd day of March 2005 caused a copy of the foregoing Comments of Aeronautical Radio, Inc., to be served by First Class Mail, U.S. postage prepaid on the persons listed below.

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